

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 122
98TH GENERAL ASSEMBLY

Reported from the Committee on Veterans' Affairs and Health, February 19, 2015, with recommendation that the Senate Committee Substitute do pass.

0329S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To amend chapter 194, RSMo, by adding thereto one new section relating to a health care directives registry.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 194, RSMo, is amended by adding thereto one new
2 section, to be known as section 194.600, to read as follows:

194.600. 1. As used in this section, the following terms mean:

2 **(1) "Adult", an individual who is eighteen years of age or older;**

3 **(2) "Advance health care directive", a power of attorney for**
4 **health care or a declaration signed or authorized by an adult,**
5 **containing the person's direction concerning a health care decision;**

6 **(3) "Declaration", a record, including but not limited to a living**
7 **will, an intent to donate an anatomical gift pursuant to the uniform**
8 **anatomical gift act under sections 194.210 to 194.294, or a do-not-**
9 **resuscitate order, signed by an adult specifying the circumstances**
10 **under which a life support system may be withheld or withdrawn;**

11 **(4) "Department", the department of health and senior services;**

12 **(5) "Health care decision", any decision regarding the health care**
13 **of the person;**

14 **(6) "Intake point", any licensed health care provider or licensed**
15 **attorney.**

16 **2. The department shall issue a request for proposal and contract**
17 **with a third party for the establishment of a secure online central**
18 **registry for citizens to store advance health care directives and to give**
19 **authorized health care providers access to such directives.**

20 **3. An adult declarant may submit an advance health care**

21 directive or declaration and the revocations of such documents to the
22 department for filing in the "Advance Health Care Directive Registry"
23 established under this section.

24 4. Any document and any revocation of a document submitted for
25 filing in the registry shall be submitted electronically at an intake
26 point and signed electronically with a unique identifier, such as a
27 social security number, a driver's license number, or another unique
28 government-issued identifier. The electronic submission of the
29 document shall be accompanied by a fee not to exceed ten dollars as
30 required by the department.

31 5. All data and information contained in the registry shall
32 remain confidential and shall be exempt from the provisions of chapter
33 610.

34 6. The department shall promulgate rules to carry out the
35 provisions of this section which shall include, but not be limited to:

36 (1) A determination of who may access the registry, including
37 physicians, other licensed health care providers, the declarant, and his
38 or her legal representative or designee;

39 (2) A process for directing the declarant submitting a declaration
40 of an anatomical gift to follow the procedures under the uniform
41 anatomical gift act under sections 194.210 to 194.294;

42 (3) A means of annually reminding registry users of which
43 documents they have registered; and

44 (4) The fee for filing a document with the registry.

45 7. Any rule or portion of a rule, as that term is defined in section
46 536.010, that is created under the authority delegated in this section
47 shall become effective only if it complies with and is subject to all of
48 the provisions of chapter 536, and, if applicable, section 536.028. This
49 section and chapter 536, are nonseverable and if any of the powers
50 vested with the general assembly pursuant to chapter 536, to review, to
51 delay the effective date, or to disapprove and annul a rule are
52 subsequently held unconstitutional, then the grant of rulemaking
53 authority and any rule proposed or adopted after August 28, 2015, shall
54 be invalid and void.

55 8. Failure to register a document with the registry maintained
56 by the department under this section shall not affect the document's
57 validity. Failure to notify the department of the revocation of a

58 **document filed with the registry shall not affect the validity of a**
59 **revocation that meets the statutory requirements for the revocation to**
60 **be valid.**

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